IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12925 of 2005

Between:

K.Rajesham, s/o Laxmirajam,
Working as APSRTC Sircilla Depot, Sircilla, Karimnagar District.

..... PETITIONER

AND

1 The A.P.S.R.T.C., rep., by its Vice Chairman & Managing Director, Musheerabad, Hyderabad.
2 The Regional Manager, Karimnagar Region, Karimnagar.
3 The Divisional Manager, APSRTC Karimnagar, Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents herein in not regularizing the petitioner's service w.e.f. the date of his initial appointment i.e., 26-02-1985 as illegal, arbitrary and discriminatory and consequently direct the respondents herein to regularize the petitioner's services as Conductor w.e.f. the date of his initial appointment i.e., 26-02-1985 and fix the pay accordingly, duly granting annual increments.

Counsel for the Petitioner: MR.JITENDER RAO VEERAMALLA

Counsel for the Respondents: SMT.P.RAJANI REDDY, Standing counsel for APSRTC

The Court made the following :

ORAL ORDER:

The petitioner is the Conductor, who seeks regularization of his services *inter alia* on the ground that he was initially appointed and due to subsequent action of the respondents, his services were terminated. However, on the intervention of the Labour Court, the same was set aside with all benefits. In spite of the same, the respondents are not regularizing his services from the date of his initial appointment and instead, they sought to regularize at later dates, which is wholly unsustainable. Further, it is also submitted that the regularization is in the teeth of the circular issued by the respondents.

Having heard the counsel on both sides and also on perusal of the material on record, it is to be noted that there is no dispute that admittedly the petitioner has not approached the respondents-Corporation before approaching this Court under Article 226 of the Constitution of India. Even the basic principle of demand by the petitioners and refusal by the respondents with regard to the regularization has not occurred. Hence, this Court does not venture to go into the merits of the claim either way, though a distinction is sought to be made on behalf of the respondents that the petitioner is

not entitled to any such relief, in view of the nature of his appointment.

The writ petition is accordingly disposed of permitting the petitioner to file comprehensive representation within a period of four weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall dispose of the same within a period of six weeks thereafter and pass orders in accordance with law.

_____

(K.C. BHANU, J.)

17th June, 2005

bcj

To

1 The Vice Chairman & Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.
2 The Regional Manager, Karimnagar Region, Karimnagar.
3 The Divisional Manager, APSRTC Karimnagar, Karimnagar.

4 Two C.D. copies

Note: Furnish copy in one week.

B/o

bcj